REMARKS

Claims 1-6 are currently pending, with claims 1 and 6 being in independent form. The specification and abstract of the disclosure have been amended. No new matter has been added. Reconsideration of the above-identified application, in view of the following amendment and remarks, is respectfully requested.

The abstract of the disclosure and the specification have been objected to based on minor informalities. In response to each objection, applicant has amended the specification and the abstract in a self-explanatory manner. No new matter has been added. Withdrawal of the objections is therefore requested.

Claims 1 and 4-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,703,414 ("*Mutoh*"). Claims 2-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mutoh* in view of U.S. Patent No. 6,144,112 ("*Gilmore*"). Lastly, claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mutoh* in view of U.S. Patent No. 5,600,723 ("*Woodall*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (see also MPEP §2131).

Independent claims 1 and 6 were previously amended to recite, *inter alia*, "said on-off control circuit being configured to electronically start the fuel pump arrangement at an attempted starting of the motor vehicle and being triggered to <u>electronically</u> switch off the fuel pump after the attempted starting when said detection circuit detects that the attempted starting was unauthorized". *Mutoh* fails to disclose this element of the claims.

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Mutoh relates to an anti-theft apparatus designed to determine that a starting operation is legitimately provided when an ID code, which has been pre-registered in an engine key, coincides with another ID code which has been registered in a vehicle beforehand (see col. 1, lines 12-16).

In particular, *Mutoh* (col. 3, lines 50-57) explains that "[t]he engine control unit 16a reads detected values of sensors (not shown) such as a TDC sensor for detecting the revolution of the engine and a negative pressure sensor on an inlet pipe and carries out fuel injection control and ignition control to supply commands to various sections including the fuel injection valve 17, the fuel pump 18, and the ignition control unit 20". However, col. 3, lines 50-57 is the only section of *Mutoh* in which the engine control unit and the fuel pump are discussed.

Mutoh further teaches an immobilization determining section 16b that supplies a control halt instruction to the engine control section 16a (see col. 4, lines 6-9). Moreover, *Mutoh* (col. 4, lines 9-11) only teaches that "the engine control section 16a halts the control operation, which is being implemented, to stall the engine in response to the control halt instruction b".

Since *Mutoh* discloses only that control operation is halted, there is no teaching or suggestion in *Mutoh* that the engine control unit (1) <u>electronically starts</u> the fuel pump at an attempted start of the motor vehicle, and (2) is triggered to <u>electronically switch off</u> the fuel pump after the attempted starting when a detection circuit detects that the attempted starting was unauthorized. Thus, *Mutoh* fails to teach or suggest "said on-off control circuit being configured to electronically start the fuel pump arrangement at an attempted starting of the motor vehicle and being triggered to electronically switch off the fuel pump after the attempted starting when said detection circuit detects that the attempted starting was unauthorized," as expressly recited in independent claims 1 and 6.

In view of the above remarks, the rejection of independent claims 1 and 6 under 35 U.S.C. §102 should be withdrawn.

The Examiner (at pg. 4 of the Office Action) concedes *Mutoh* fails to teach or suggest "the physical position of the apparatus of claims 2 and 3," and cites *Gilmore* and *Woodall* to provide these claimed features". Applicants, however, respectfully disagree that any combination of *Mutoh*, *Gilmore* and/or *Woodall* achieves the electronic device of independent claims 10 and 19.

Gilmore discloses a system and method related to immobilizing and enabling a fuel pump for a motor vehicle (see col. 1, lines 5-7). *Gilmore* (col. 2, lines 39-42) explains that "the engine control unit ... performs the initial authorization that permits a valid user of the motor vehicle to start the vehicle. In this initial stage, the engine control unit is in the position of a 'master', and the pump control unit is in the position of a 'slave'". The system of *Gilmore* additionally "provides a second stage of security authorization, in which the pump control unit becomes the 'master', and the engine control unit becomes the 'slave'. Unless the pump control unit receives the correct response from the engine control unit, it cannot be activated to run the fuel pump" (see col. 2, lines 54-59). *Gilmore* thus teaches a two-stage process for enabling the operation of a motor vehicle. However, such a process is subject to delays because of the necessary pause that is required to process the data that is sent between the engine control unit and the pump control unit in accordance with the disclosed master/slave arranged. Independent claims 1 and 6 recite an "on-off control circuit being configured to electronically start the fuel pump arrangement at an attempted starting of the motor vehicle <u>and</u> being triggered to electronically switch off the fuel pump after the attempted starting when said detection circuit detects that the attempted starting was unauthorized". That is the claimed on-off control circuit performs both the starting function and

switching off function. *Gilmore* thus fails to teach or suggest independent claim 1 because in *Gilmore* two devices are used to perform the activation and deactivation of the fuel pump.

Woodall, on the other hand, discloses that "a vehicle anti-theft system in the form of a mechanically interengagable electronic key and lock includes stored key and vehicle identifiers in both the key and in the lock" (see Abstract). There is no teaching or suggestion whatsoever in *Woodall* of the on-off circuit of independent claims 1 and 6 that is configured to <u>electronically</u> start the fuel pump arrangement at an attempted starting of the motor vehicle and is triggered to <u>electronically</u> switch off the fuel pump, as recited in independent claim 1. The combination of *Mutoh*, *Gilmore* and *Woodall* thus fails to achieve the expressly recited subject matter of independent claim 1, because *Gilmore* and *Woodall* fail to provide what *Mutoh* lacks. Dependent claims 2 and 3 are therefore patentable based on their respective dependencies from independent claims 10 and 19.
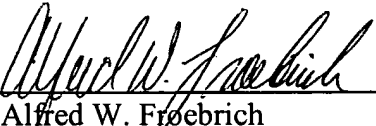
Dependent claims 2-5 are also patentable for at least the same reasons as is independent claims 1 and 6, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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